



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)	Before the Examiner:
Bianchi et al.)	Suzette Jaime Gherbi
)	
Application of Serial No. 10/699,175)	Group Art Unit 3738
)	
Filed October 31, 2003)	Ref. No. MSDI-434/PC316.08
)	
OPEN INTERVERTEBRAL SPACER)	September 14, 2005

RESPONSE TO FINAL OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the final Office Action dated March 14, 2005, please enter and consider the following amendments and remarks. A fee in the amount of \$1,020.00 is remitted herewith for a three (3) month extension of time, thereby extending the time period to respond to the final Office Action to September 14, 2005. Additionally, this Response is being filed with a Request for Continued Examination (RCE) along with the corresponding filing fee in the amount of \$790.00. Furthermore, a fee in the amount of \$200.00 is remitted herewith for the addition of one (1) independent claim. Please provide any extensions of time necessary and charge any additional fees which may be necessary to Deposit Account No. 12-2424, but not to include any payment of issue fees.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

September 14, 2005

Date of Deposit

Brad A. Schepers

Name of Registered Representative

Signature

September 14, 2005

Date of Signature

INTRODUCTORY COMMENTS

Claims 72-134 were pending in the subject application for the final Office Action mailed on March 14, 2005. Each of the currently pending claims has been rejected on various grounds. This Response is being filed in conjunction with the filing of an RCE application. Accordingly, entry of the subject Response is submitted to be a matter of right. In view of the following amendments and remarks, reconsideration and allowance of the subject application are hereby requested.